

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6781

BILL NUMBER: SB 376

NOTE PREPARED: Jan 31, 2012

BILL AMENDED: Jan 31, 2012

SUBJECT: Discharge of Long-Term Inmates.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Clemency Recommendation* – It prohibits the Parole Board from making a clemency recommendation concerning certain inmates convicted of certain serious crimes, and prohibits the Parole Board from conducting an investigation or holding a hearing concerning these inmates unless requested to do so by the Governor.
- B. *Release of Long-Term Offenders to Parole* – It provides that the Parole Board shall transfer a long-term inmate to a transitional program if the inmate meets certain criteria, and specifies that the parole board shall release a long-term inmate who has completed a transitional program if the inmate satisfies certain conditions, including successful completion of a transitional program.
- C. Repeals superseded provisions.

Effective Date: July 1, 2012.

Explanation of State Expenditures: (Revised) *Clemency Recommendation* – The Parole Board would no longer be required to conduct hearings and community investigations when offenders who were convicted of the following crimes apply for clemency.

Offenders No Longer Eligible for Parole Hearing If They Were Convicted of the Following Crimes:		
Child Molesting *	Battery	Neglect of a Dependent *
Murder	Criminal Deviate Conduct *	Robbery *
Voluntary Manslaughter	Kidnaping *	Rape *
Offenses substantially similar to the offenses cited here		Life without Parole
* As a Class A Felony		

Between 2009 and 2011, the Parole Board conducted an average of 52 hearings per year. Depending on the percentage of offenders who were violent offenders who would be excluded from the proceedings, the Parole Board could realize some reduced workload.

(Revised) *Release of Long-Term Offenders to Parole* – Depending on the number of offenders who are released, the state could save up to \$3,317 per offender per year for the minimum costs of medical care, food and clothing, and shelter. LSA found 18 offenders on December 22, 2011 who might meet some or all of the criteria for determining when offenders could possibly meet the criteria for earlier release onto to parole supervision. These are all offenders who have been sentenced for nonviolent offenses.

Number of Offenders Scheduled to be Released Between 2012 and 2022							
Year of Release	2012	2013	2014	2015	2017	2020 through 2022	Total Offenders
Minimum Security	2	2	1				5
Medium Security	3		1	1	2		7
Maximum Security			1			5	6
Number of Offenders	5	2	3	1	2	5	18

Most of these offenders would likely be assigned to work release programs throughout the state. Offenders who are disabled because of medical conditions may be able to be placed on home detention or with GPS monitoring. Offenders who are released would be required to be in a transitional program and placed on parole for one year.

Background – Offenders who were sentenced for the following violent crimes (as defined by IC 35-50-1-2) are not eligible for this review:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).

- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2).
- (10) Child molesting (IC 35-42-4-3).
- (11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
- (14) Causing death when operating a motor vehicle (IC 9-30-5-5).

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction; Indiana Parole Board.

Local Agencies Affected:

Information Sources: Department of Correction Offender Information System; Randall Gentry, Indiana Parole Board.

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